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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2006-2007

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September 01, 2011

SEP 14 2011

Grant Lindberg
Minneapolis School District 1
807 Broadway St., N.E.
Minneapolis, MN 55413

DESIGN & CONSTRUCTION

Re: Applicant Name: MINNEAPOLIS SCHOOL DISTRICT 1
Billed Entity Number: 133625
Form 471 Application Number: 517640
Funding Request Number(s): 1433440
Your Correspondence Dated: June 23, 2011

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1433440
Decision on Appeal: **Denied**
Explanation:

- It was determined that the applicant did not make their Request for Proposal (RFP) available for 28 days after filing the Form 470 (Application Number: 655210000525741). On appeal, you have confirmed that your RFP was posted in Finance and Commerce for a period of two weeks. FCC rules require that, if you issue an RFP, it must be available to bidders for 28 days just like the Form 470. Bidders must have 28 days from the most recent posting or issuance date to respond. Please refer to the USAC website at <http://www.usac.org/sl/applicants/step04/28-day-waiting-period.aspx>. On the FCC Form 470 associated with your funding request, you indicated that you had an RFP for the products and/or services that you sought. During the appeal review of your FCC Form 471, USAC determined that your RFP was not available for bidders for the required 28 days. USAC denied your funding request(s) as you did not comply with the competitive

bidding requirement that your RFP be available to bidders for 28 days. In your appeal, you did not demonstrate that USAC's determination was incorrect. Consequently, your appeal is denied. FCC rules require applicants to "submit a complete description of the services they seek so that it may be posted for competing service providers to evaluate" and formulate bids. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9076, FCC 97-157, para. 570, 575 (rel. May 8, 1997). The applicant's FCC Form 470 should inform potential bidders if there is, or is likely to be, an RFP relating to particular services indicated on the form. To the extent that the applicant also relies on an RFP as the basis of its vendor selection, that RFP must also be available to bidders for 28 days. See Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26423-26424, FCC 03-313, para. 39 (rel. Dec. 8, 2003).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company